NMFS Webinar: Proposed Rule on a U.S. Seafood Traceability Program

Presenters: *John Henderschedt, Director, Office of International Affairs and Seafood Inspection*
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Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen-only mode until the question and answer session. At that time to ask a question you may press Star 1 on your touchtone phone.

Today's conference is being recorded. If you have any objections, you may disconnect at this time. And now I'll turn today's meeting over to Laurel Bryant. Thank you. You may begin.

Laurel Bryant: Thanks (Candy) and welcome everybody. Thanks for joining us this afternoon. I'm Laurel Bryant, Chief of External Affairs for NOAA Fisheries.

This is the second of two public webinars on the proposed rule for a seafood import traceability program. And with me is John Henderschedt, Director of the Office of International Affairs and Seafood Inspection, and Chris Rogers, Assistant Director for International Fisheries from the Office of International Affairs and Seafood Inspection.

John is going to be providing us a detailed overview of the proposed rule and some of its highlights. And then we're going to be opening this up for comments as well as clarifying questions.

But before I do that, I just want to make a couple of housekeeping notes. If anything goes wrong and you get disconnected from the web or some audio connection, we will be posting all the transcripts to the web portal as well as the PowerPoint that John will be delivering today.

And if there is anybody that sees a window on the webinar, don't use that for questions. We're going to be taking questions strictly through the audio portion of today's call.

So with that, I will turn it over to John.

John Henderschedt: Thank you Laurel and thanks to all of you for joining us this afternoon. As Laurel said, this is the second of two webinars to look at the proposed rule for a US seafood traceability program. And the rule itself, as you know, is focused at seafood imports.

So first I'd like to provide a quick overview of the presentation. First of all, going to describe a bit of the background and the context for this rulemaking, provide a general description of the proposed reporting system, go into more detail with respect to the proposed data elements, and finally, cover some next steps in a few additional issues.

This is going to be a somewhat basic review of the preamble and proposed rulemaking. And there are many other details and specific requests for comments in the proposed rule, its preamble, and in the initial regulatory flexibility act analysis. And so I certainly encourage you to examine all of those documents closely as you develop your understanding of and comments to this proposed rulemaking.

So, the genesis of this effort to establish a risk-based seafood traceability program is with the Presidential Task Force on combating IUU fishing and seafood fraud. That task force was established under presidential memorandum in June of 2014 at the Our Ocean Conference. The task force was chaired by NOAA and the State Department, and it involved the senior-level representatives from ten different federal agencies and five executive offices of the President.

Through numerous forms of public engagement, including Federal Register Notice, public meetings, and international demarches, the task force developed recommendations which it submitted to the President in December of 2014. And then in March of 2015, released an action plan for the implementation of 15 recommendations that it developed in the course of its work.

At the same time, oversight of this work was transitioned into a standing committee of the National Ocean Council for implementation and oversight.

With respect to the components of this traceability program and the timeline for its implementation, recommendations 14 and 15 of those Task Force recommendations speak directly to the development of a traceability program. Fourteen directs the Task Force with input from the US industry and other stakeholders to identify and develop within six months a list of the types of information and operational standards needed for an effective seafood traceability program to combat seafood fraud and IUU seafood in US commerce.

Public comment with respect to types of information operational standards was sought and provided by the public this summer. And those comments as

reviewed and applied by the working group are reflected in this proposed rulemaking.

Secondly, in recommendation 15, was to direct the Task Force to establish within 18 months the first phase of a risk-based traceability program to track seafood from point of harvest to entry into US commerce. So this obviously represents the first of two rule publications in the proposed rulemaking. We're anticipating publishing a final rule this fall.

But steps leading to this proposed rule include: development of principles for identifying at-risk species; development of a draft and final list of those at-risk species; as I mentioned, a look at minimum standards and the necessary data for a seafood traceability program; incorporation of this work into the International Trade Data System -- I'll speak to that briefly in a few minutes -- looking at species names and codes; and how use of the harmonized tariff code system and other naming systems can be used to promote the efficiency and the effectiveness of this traceability program; the rulemaking itself; looking at information sharing -- that is, the extent to which information gathered through this traceability program is shared beyond US government -- Trusted Trader program; and the evaluation and expansion of this seafood traceability program to more species.

And I will just note that it's the Administration's intent to ultimately expand this program to include all seafood.

So getting into some more detailed aspects of this proposed rule, the International Fisheries Trade - I'm sorry, the International Fisheries Trade Permit is a permit that will be required of all importers of record of species covered by this rule. Importers of record will be reporting certain data

elements through the International Trade Data System. The ITDS is a single window data portal that's been developed by the US government to ensure that all import and export data required by any federal agency passes through this portal and is captured through this one single window.

NOAA Fisheries recently published a proposed rule on implementation of the International Trade Data System for three other paper-based catch documentations systems for tuna, swordfish, and toothfish. Public comment on that proposed rules closes on the 29th of this month.

So moving on then to development of the list of principles. As I mentioned, the National Ocean Council Committee took public comment on potential principles to be used to identify species at particular risk of IUU Fishing and Seafood fraud.

The work of that group resulted in the following list of principles which then was used to develop the list: enforcement capability; existence of the catch documentation scheme; the complexity of the chain of custody and processing; the frequency of species misrepresentation; of other mislabeling or misrepresentation; history of violations; and the extent to which human health risks could result from mislabeling or species substitution.

Again, those principles were applied to a list of candidate species based on volume and value, of harvest and import in the US, as well as other species that were identified as perhaps of particular interest relative to value or other potential motives for IUU fishing or fraud.

After publication of a draft list and review of public comments, the final list -- including the following species -- was published. The list includes abalone,

Atlantic cod, blue crab, dolphinfish or Mahi Mahi, grouper, king crab, Pacific cod, red snapper, sea cucumber, shark, shrimp, swordfish, and the tuna species albacore, bigeye, skipjack, and yellowfin tuna.

Again, two things about this list -- first, at-risk is at risk of IUU fishing and seafood fraud. This is not intended in any way as an evaluation of overall management or biological health of these stocks, but focused, again, on risk of IUU fishing and seafood fraud. Secondly, and importantly in this context, this is the list of species to which the proposed rule will be applied.

I will note as well that Bluefin tuna, which is not considered to be at particular risk of IUU fishing and seafood fraud, is however on the list of species to which this rule applies. And while NMFS continues to view Bluefin tuna to be at considerably lower risk of IUU fishing and seafood fraud than other tuna species and has made no modifications to the list of at-risk species published on October 30th, it proposes to cover Bluefin tuna in this proposed rule and is therefore included the HTS codes for Bluefin tuna in order to establish consistent treatment of tuna species and avoid possible concerns that one species of tuna may be treated less favorably than others.

So now I'm going to go specifically through the reporting data elements. I'm going to cover three groups: harvesting or producing entity, information on the fish harvested or produced, and information on when and where the fish was harvested, produced, or landed. And I reiterate that these are all reporting data elements.

So first with respect to harvesting or producing entity, it includes the name and flag state of the harvesting vessel or vessels, evidence of authorization to

fish, a unique vessel identifier when available, the type or types of fishing gear used, and the name or names of the farm or aquaculture facility.

Next, with respect to information on the fish harvested or produced, the species of fish including the scientific name, the acceptable market name, and the FAO Aquaculture and Fisheries Information number. Additionally, the product description or descriptions, and the name or names of the product as well as the quantity and/or weight of the product.

And then with respect to information on where and when the fish was harvested, produced, and landed, it includes the harvest date or dates, the area or areas of wild capture or aquaculture harvest, the point of first landing, and the name of the entity or entities to which the fish was landed.

I will note that on regulations.gov, where you can find this proposed rule, there are also uploaded model forms -- and again these are model forms, not proposed as required for use in compliance with this rule, but basically an example of the information used to capture the harvest and landing data as well as the (ITDS) message set instructions. Again, those are both posted in the docket folder for this proposed rulemaking.

So in addition to data elements that are required for reporting, there is also a recordkeeping requirement. And I'm going to read specifically that chain of custody recordkeeping requirement from the preamble, "Additional information on each point in the chain of custody regarding the shipment of the fish or fish product to point of entry into U.S. commerce would be established as a recordkeeping requirement on the part of the of the importer of record to ensure that information is readily available to NMFS to allow it to

trace the fish or fish product from the point of entry into U.S. commerce back to the point of harvest to verify the information that is reported upon entry."

Again, that is a recordkeeping requirement and the importer of record would be required to make that information available to NMFS upon request.

I'm finally going to highlight just a few other noticeable issues and next steps. First of all, I want to point out that there are no new data reporting requirements for US domestic wild-capture fisheries. NOAA fisheries conducted an extensive analysis of data collection in US fisheries for the species covered by this rule and are satisfied that existing state and federal data collection processes provide all equivalent information to the National Marine Fisheries Service in the context of this rulemaking.

It has, however, identified some gaps in US domestic aquaculture data for shrimp and abalone. NOAA fisheries is working with its federal government partners as well as state partners to identify ways and means to address these data gaps to the extent that those gaps are not adequately addressed at the time of implementation of this rule. Implementation for the species of shrimp and abalone could be impacted.

We're also seeking comments on the timing of the import data implementation. While we expect publication of the final rule this fall, in effectiveness of that rule -- likely 30 days following that publication -- we acknowledge that it may take the trade community a longer period of time to come into compliance with this rule. And have therefore asked for comments on the time required to comply. We've suggested a range of times for public consideration, from 90 days to 12 months following the publication of final rule.

The comment period on this proposed rule closes on April 5, 2016. As I said, a final rule will be published this fall. And we will also be requesting comments on elements in Trusted Trader program later this spring in March or April.

So just to review opportunities for public input in this process, we received comments on species at-risk principle and written comments. We received comments on data and standards, and we received comments on draft principles and species at-risk. This now leaves us at the comment period for the proposed rule on traceability implementation. And as I mentioned, in a few months, comments on the Trusted Trader program.

So finally, you can find the regulatory text, the preamble, the initial regulatory flexibility act analysis as well as the model forms and the message set instructions as I mentioned earlier at www.regulations.gov. This is the second of three public listening sessions. We will have an in-person public meeting at the Boston Seafood Show on March 7 from 11:00-1:00pm in room 104A.

And any other information that you might be interested in relative to the National Ocean Council Committee can be found at the web portal at www.iuufishing.noaa.gov.

So, I believe that concludes my presentation of the basic elements of this proposed rule. I think we'll go back to the Moderator to repeat the instructions for providing comment or question. And I look forward to hearing your comments and responding to any questions shortly. Thank you again.

Laurel Bryant:	Thanks. (Candy), can you remind folks how to get into the queue for questions?
Coordinator:	Thank you. At this time to ask a question, press Star 1 please. Please unmute your line and record your name to be introduced. Again, for all questions or comments press Star 1.
	If you'd like to withdraw the request at any time, you may press Star 2. Thank you. Again, for questions or comments, press Star 1. Please stand by for your first question.
	Thank you. And again for any questions or comments from the phone, press Star 1.
	Thank you. We do have our first question from Brett Harris. Your line is open. And please state your affiliation.
Brett Harris:	Hi. Thank you very much. This is Brett Harris from Pisani and Roll. I had a question regarding the implementation of this rule for jurisdictions, specifically US insular possessions and other territories that may not have and may not use customs ACE data system for import entry.
	Would paper filings for these requirements be required for entries into those jurisdictions? Or would the data be filed electronically in ACE when goods were entered into the Continental United States?
Chris Rogers:	Hi, this is Chris Rogers. Brett, can you hear me?
Brett Harris:	Yes.

Chris Rogers: Had you asked this same question for the ITDS webinar?

Brett Harris: No. I did not participate in that one.

Chris Rogers: Ok. We had that same question and it did cause me to do some research so I am better prepared for an answer on that. As you may know, the US insular possessions do have a separate customs jurisdiction. And at this stage, ITDS -- The International Trade Data System -- and the ACE Portal will not be deployed in those customs jurisdictions.

So this rule would apply only to entries into the US customs territory proper for which ACE and ITDS are being implemented.

If fish would move, let's say from American Samoa having been entered there into the US mainland, -- let's say through Honolulu or Long Beach, California -- a separate ACE entry would have to be filed for those commodities anyways. That would be the point where we would collect this information.

John Henderschedt: Thanks for your question, Brett.

Brett Harris: Thank you.

Coordinator: Thank you. As a reminder for questions or comments, press Star 1 please. Our next question comes from Roberta Elias. Your line is open. And state your affiliation, please.

Roberta Elias: Yes, I'm with the World Wildlife Fund. And again, thank you to John, Laurel, and everyone who's worked on this. As I mentioned last week -- I can't

believe it was just last week -- we were by and large very happy with the proposed rule the way it came out. And we'll be providing more comments in Boston and then more detail in our written comments in April.

I wanted to, just wanted to raise quickly four specific issues today -- those are again, coverage of the rule, maximization of similar processes, data requirements, and capacity building.

On the first one, again we're hoping that the final regulations specify a timeline and process as well as a commitment to cover all species and all products. So that's point one.

Point two in terms of similar processes, we were very happy to see language that you included on the EU process. And we're really hoping that both on the EU side and the US side, steps are taken to make sure that the systems really work together effectively in a way that's appropriate for both countries to address a common problem.

And then similarly in terms of a kind of coordination topic, we hope that it's possible for this rule to be pursued in a way that the deficiencies across similar processes -- and with that, we have specifically in mind the law that recently passed which the President I think is signing shortly that addresses forced labor and slave labor.

In terms of data requirements, we were very happy with the general categories of the key reporting requirements that you've included and are really hopeful that (unintelligible) ID is captured in the final system.

And then finally in terms of capacity building, we're very well aware through our conversations with organizations in WWF offices around the world that the type of system that's envisioned here will present both opportunities and challenges for the developing world and the markets that are supplying the US market, and are really hoping that over time we're able to work together to ensure that the appropriate resources are allocated to support capacity building.

John Henderschedt: Thanks for your comments, Roberta.

Roberta Elias: Thanks.

Coordinator: Thank you. As a reminder, for questions or comments press Star 1 please. And we do have another question in queue. One moment, please. Thank you. Adriana Sanchez your line is open. And please state your affiliation.

Adriana Sanchez: Hi. I'm Adriana Sanchez. I'm with Sea Delight. And I have -- I don't know if it's quick question or not -- but I'm a little confused. I understand like all of the data requirements we're going to have, but for example like when we do tuna ground meat, and that's obviously like a byproduct, do we just collect all the specific, you know, information of all the vessels where all of this tuna has been processed to ground meat is coming from? And we enter all of that for the specific container? Is that kind of like how this is going to work out?

Chris Rogers: Yes, Adriana. Thanks for your question. This is Chris Rogers. Yes, for all the product in that shipment that is being offered for entry into the US as part of that entry filing, we would need the harvest information described for every

vessel offload that contributes to the product in that whether it's a container or a parcel container.

So, all of the harvest events that contributed to that product -- it doesn't have to be an exact association between this [unintelligible] and that harvest event, just that the contents of that shipment were derived from the following harvest events. And then that may be multiple harvest events in the situation as you're describing it.

Adriana Sanchez: Ok. So as long as we provide, you know, the overall information where the fish, the tuna specifically, was harvested from, but we don't necessarily have to say ok that's ten cases of ground meat you know, from like, you know, all these different vessels and these other ten cases of ground meat came from this other vessel. Like that sort of relationship, it's not needed.

Chris Rogers: No, if the entry is, let's say, 20 cases, you would just include the harvest information for all of those 20 cases. You don't have to say these ten came from these harvest events. These ten came from these other harvest events. So just...

Adriana Sanchez: Ok, good.

Chris Rogers: Just say - and aggregation of all of the harvesting events that contributed to the contents of that shipment.

Adriana Sanchez: Ok.

John Henderschedt: I will add that that same concept carries throughout the recordkeeping supply chain to the extent. So that to the extent that there is comingling or

alteration of product later stated in the supply chain, that would not be reported at this point but would be part of a recordkeeping process and again aggregated to ensure that all events leading to that point in the supply chain were reflected.

Adriana Sanchez: Ok. Thank you.

Chris Rogers: Thank you, Adriana.

Coordinator: Thank you. Next question comes is Todd Conway. Your line is open. And please state your affiliation.

Todd Conway: Good afternoon. Yes, Todd Conway from Handy International. I was reviewing this document, 40 something page document. Page 20, it refers to data elements that could be added one year from the full implementation of the final rule.

Just wondering if we had a good idea what the added data elements might be somewhat down the road.

John Henderschedt: So Todd, I believe you're referring to language that indicates the administration's intent to expand this program to other species. And I believe that there is some discussion of that in the preamble to the regulatory text.

I'll just note that in December of 2016, the National Ocean Council Committee is scheduled to release a report that looks at lessons learned to date with respect to implementing this program and hurdles that we perceive in expanding the program to more and ultimately all seafood products, as well as avenues around those hurdles -- what can we do to address those challenges.

So that will be the next opportunity to essentially have a discussion of how this program is expanding.

Expansion of the program will require additional rulemaking. We, the agency, does not anticipate adding species to the list of those -- or HTS codes -- to those to which the proposed rule applies without additional proposed rulemaking and comments.

Thanks, Todd.

Todd Conway: Yes, thank you.

Coordinator: Thank you. Our next question is from Erin Taylor. Your line is open. And please state your affiliation.

Erin Taylor: Hi there. Yes, my name is Erin. I'm from the New England Aquarium. Hello everybody. My question is regarding the implications for companies who are not the importer of record. So, for example if we're working with somebody who is not the importer of record. For some of their products, there is a customs broker at an office on the west coast who would import that product for them before it comes to their processing plant.

I'm just trying to understand what the implications are for any changes that may be required for their own traceability processes. And if there are none, what the value might be in those companies down the supply chain working to align their traceability data collection efforts with the key data elements that have been laid out here anyway.

Chris Rogers: Thanks for your question, Erin. This is Chris Rogers. For the most part, importers -- or as we say, importers of record -- in customs regulations use the assistance of a customs broker to make an entry filing. Some importers will do their own filing if they're a large company, but for the most part they'll use the services of a customs broker.

So the customs broker will be responsible for actually providing the data that we're requesting to the customs as part of the entry filing. Customs in the large sense has moved into an electronic environment over the last decade. And what is happening now with the International Trade Data System is they're bringing other agencies on board into that electronic system -- what they call a single window.

So all of the information required that has been required by other agencies and that has been traditionally collected by paper form by those other agencies will be turned into an electronic submission as part of that same entry filing.

So in an entry filing, a customs broker must identify the so-called importer of record. We are keying in this rulemaking on that person, that entity, that importer of record for the permitting requirement and for the recordkeeping requirement. And therefore, that person would have to provide the information necessary to the customs broker to make the entry.

So if the data are missing, the entry filer or the customs broker would get a message back saying that for this particular commodity, it is of interest in the National Fishery Service. It has been flagged for information on let's say harvesting vessel, ocean area of catch, et cetera. And if that information is not supplied at then entry wall process, the entry probably would have to go back

to the importer and say, "Hey I'm having trouble filing this entry. You need to give me some more information."

So from the recordkeeping requirement place on the importer or record, that information should be available to the importer and supplied to the customs broker to make the entry. The data would validate and the entry would be processed. The cargo would be released.

Now, a lot of importers are primary receivers. Sometimes, they're not the ultimate (unintelligible). They may be working the phones as goods are being cleared customs and finding an ultimate destination for the good. So all those secondary receivers are not implicated in this rulemaking. The entities that would be responsible are the importer of record, as identified in the customs filing, and the person making that filing on behalf of that importer of record.

John Henderschedt: Thanks, Erin.

Erin Taylor: Thank you.

Coordinator: Thank you. Next question is (John Smith). Your line is open. And please state your affiliation.

(John Smith):   NFI. I don't think the question from Todd Conway was answered. I don't think the question was - or the answer given was not to the question asked. The answer given was about expansion to other species. I think the question asked was about the (unintelligible) who identify key change of custody data elements that pose conservation benefits for real-time reporting by one year from full implementation of that final rule and (implements) whose subsequent reporting of key chain of custody data elements that will be added.

So it's not about new species; it's about new data elements.

John Henderschedt: Thank you, (John) and I'm happy to address that question as well. So, as we've stated a number of times, the chain of custody aspect of this -- that is, the information that tracks the product from that point of first landing to entry into US commerce -- is a recordkeeping, not a reporting requirement. That is because at the current, you know, time, we cannot collect that information in a way that makes it useful in terms of effective, risk-based enforcement of this rule.

Post implementation of this program, we will be working to identify which chain of custody data elements can and should be collected with the harvest and landing data at the time of import, which would allow then us to use those data for more effective enforcement efforts. That process will require not only the identification of those elements, but some additional work with respect to ITDS implementation.

And so, it is difficult to say exactly what the timeline for that full implementation is, but at least identifying the data elements is something that we could do earlier on in the process. Thank you, (John).

Coordinator: Thank you. As a reminder for questions or comments, press Star 1 please. Thank you. And queue (John Smith), your line is open. Go ahead, please.

(John Smith):   Yes, it's (John Conway) with NFI again. I'm confused as to how a program that will begin in say August or September of 2016 could already be evaluated for its success or failure or hurdles by December of 2016. That would be

lightning speed for any organization, never mind an interagency process with ten or eleven or twelve agencies.

So, what is the process that will be used to evaluate something within a two-month period to determine whether or not it should be expanded to other species? Because the timing just doesn't make sense.

John Henderschedt: Thanks, (John). And I mean, I think that you're pointing out one of the obvious challenges with the timeline for implementation, and something that we're going to have to respond to in a real world way.

So, what I think we will likely know by December of 2016 are what some of the administrative and rulemaking challenges were. To name one of them, as I mentioned earlier, the process of ensuring that there is parity between our domestic data collection and what we would be expecting importers to provide on imported products. There are, as you correctly point out, many operational aspects of this that we will of course have little or no information on. In fact, depending on the actual implementation timing -- that is, however long after the effectiveness of the rule we actually enforce this rule -- we may have no operational information at the time that this report is generated.

And so, obviously, we will speak to what we know in a report in December, but certainly are going to have to look at then future results in addressing expansion of the program. So, your point is well taken and I don't think it's really lost on anyone that the timing of that report is going to be, well, problematic to say the least in terms of looking at operational issues with implementation. And we're just going to have to be - we will need to be and will be evaluating on an ongoing basis in terms of any operational issues or

impact that we have to address, either just as envisioned in this proposed rule or an expanded version.

Thanks, (John).

Coordinator: Thank you. And at this time we're showing no further questions.

Laurel Bryant: Let's go ahead and just give it one more minute, Operator, and see if anybody else has any additional before we wrap up.

Coordinator: Thank you. And as a quick reminder, it's Star 1 for questions. Thank you. We do have a question from (Sylvia Hawn). Your line is open. And please state your affiliation.

(Sylvia Hawn):   Hi. (Sylvia Hawn) from Surface Seafood. I have two questions. One is does the traceability rule exclude streaming? And second one is, if the taskforce allowed to take multiple range of data for one entry, can ITDS system take a range of data for one entry, too?

Chris Rogers: Thanks for your questions. To be - the first answer is simple, but I'll need to follow up and understand your second question. We are including highly processed products from this initial phase of the rulemaking -- products that cannot be readily identified or traced back to any single species because of comingling and processing.

We are focusing, as John mentioned, on the at-risk species for this initial phase. And we have selected a certain (tariff) codes associated with the products that are readily associated with those species. So, highly processed products are currently excluded.

With respect to your second question, it's not clear to me what you mean by range of data. Can you elaborate on that?

(Sylvia Hawn):   Well this is a follow up question from Adriana. Well, you're allowed to report a range of dates from one fishery.

Chris Rogers: A range of dates, ok.

(Sylvia Hawn):   Yes.

Chris Rogers: I'm sorry. I thought you had said range of data.

(Sylvia Hawn):   Right.

Chris Rogers: Right. So each of the harvest events that would contribute to the contents of that shipment -- so there could be one vessel that was offloaded on a particular - so you would have, in essence, the entry filer would have a program that would provide data to the customs system in terms of each of those harvest events. If they are landings that occurred on different dates, you would loop through it. Rather than combine all of the harvest events into a single submission, you would loop through that.

And the software developers what work with customs brokers will arrange for that. We have some guidance for software developers posted to the Web site at regulations.gov, the implementation guide and the message set. So they would loop through. For example, have the harvest vessel named A and the landing date of September 15, and then harvest vessel B, the landing date of

October 1. So whatever harvest events contribute to that shipment would be described separately.

John Henderschedt: This is John. I'd just like to add that an earlier question received in a different conversation but on a similar topic is what about, for instance, a catcher processor that might be on a let's say a two-week trip and so has, you know, two weeks' worth of harvesting activity represented in a landing. And how many harvesting events does that need to represent? And we certainly welcome comments on that.

I will note that in the data elements, we have fishing date or dates, so we really are looking at a range of individual fishing days to being able to consider one landing representative of a whole set of fishing days as a harvesting event.

Thanks, (Sylvia).

Coordinator: Thank you. Next question is Brett Harris. Your line is open. And please state your affiliation.

Brett Harris: Yes, this is Brett Harris again from Pisani and Roll. It's my understanding that the new requirements should not impose any additional data collection requirements for parties that are currently subject to the TTVP requirements -- other than, of course, filing that data electronically. Is that correct?

Chris Rogers: Yes. This is Chris again, Brett. The first rule that we had published, well late last year -- December 29 it published -- and it's still open for comments through the end of this month, February 29. John had mentioned it, the ITDS Integration Rule. That rule affected three current information collection

programs that are paper-based, one being the Tuna Tracking and Verification Program that you mentioned.

So because the tuna species are also included in this seafood traceability program, we're not duplicating the effort that we had already planned on doing to integrate the tuna tracking and verification program into electronic reporting with ITDS. So basically, their requirements, electronic reporting requirements to meet the needs for the Tuna Tracking and Verification Program, will also meet the needs for the Seafood Traceability Program.

The only difference would be the Seafood Traceability Program has a little bit more robust recordkeeping requirement with respect to the chain of custody. So in large part, it's met, but we did examine their regulatory requirements for the Tuna Tracking and Verification Program, and there were a few possibilities of exclusion that would be acceptable under Tuna Tracking and Verification that would not be appropriate under the Seafood Traceability. So it's primarily, that would be the distinction. The recordkeeping requirements of Seafood Traceability would pertain even though the electronic reporting requirements would be satisfied for both programs in a single step.

John Henderschedt: It's worth noting as well that with the multiple programs that we will have administered through ITDS that it does give us the opportunity to have one single data requirement where there's redundancy across regulatory requirements.

So for instance, if a particular HTS code is subject to more than one reporting requirement and they both include say time and place of landing, those data would have to be provided just once through the ITDS program. So, the overlap between regulatory requirements should be fairly seamless from the

trade community's perspective. We will simply be able to provide the data requirements by HTS code.

Thanks, Brett.

Brett Harris: Thank you very much.

Coordinator: Thank you. Next question is from Erin Taylor. Your line is open. And state your affiliation.

Erin Taylor: Hi, Erin from New England Aquarium again. So, I just -- we have a little bit of time -- wanted to go back to the second part of my question before, which is that understanding that it is, you know, on the importer of record to submit this data.

For any company who is not that, who is beyond that down the supply chain, who is therefore not implicated in this final rule, you know, in kind of going beyond this effort thinking about whether there would be a benefit to still collecting the data of these key data elements just from a, I don't know, an interoperability - well, not necessarily that, but just from an alignment perspective. Is this a useful list of key data elements to use, you know, for companies to make sure? You know, we are also collecting all of these things in case of other efforts.

I know it's a little beyond the scope of what we're here to talk about, but just kind of wondering about that.

John Henderschedt: So if I understand, well, if I could ask you to clarify your question, Erin. When you talk about down the supply chain, are you talking about post import

or are you referring to elements in the supply chain before product arrives at the US border?

Erin Taylor: Post import.

John Henderschedt: Post import. So obviously that is outside of the scope of this proposed rule.

Erin Taylor: Right.

John Henderschedt: This scope is from harvest to point of entry into US commerce. That said, you know, there are many existing third party traceability and supply chain management efforts out there that have a much broader scope and meet a much broader range of objectives than this anti IUU fishing seafood fraud program does.

In attempting to design a program that is rather flexible in terms of data sources, we would hope that any of the data elements that are present -- both within these third party systems and required by this program -- are essentially interoperable, that importers of record would be able to pull those data out of whatever other supply chain management systems there are for use in this reporting and record keeping system.

It's frankly difficult, however, to comment on the use of the data that's outside of the scope of this rule. I mean, there are obvious other interests in traceability, supply chain transparency, source verification, et cetera that may be of interest to buyers and consumers, et cetera. I'm just hesitant to comment too much on what that might mean with respect to this proposed rule.

Erin Taylor: Right. No problem. I knew it was a tricky question, but thank you for answering it.

John Henderschedt: Thanks, Erin.

Coordinator: Thank you. Next question is Adriana Sanchez. Your line is open. And state your affiliation.

Adriana Sanchez: Hi, it's me again from Sea Delight. I have a question. Did you guys, when the proposed rule, did you look at the complexity of the supply chain in terms of like for example the Mahi Mahi from you know, Peru and Ecuador, how it may be difficult to identify all of the players in the supply chain and how this sort of like documentation and certification of catch moves throughout a supply chain? Because it's not as direct as ok I'll buy from this processor and he buys the fish from these people. There's usually a lot of like different middlemen and then they buy the fish from different handlers. I don't know how to say it in English.

But in shipping where like the group in Mexico where we use the landing notice as a document to enter where the fish was caught and who caught it from, like I guess are we going to get guidelines of what kind of documentation we need to ask our vendors, you know, in order to meet these new requirements?

John Henderschedt: So Adriana, thanks for your questions. And I'm going to address the second part of your question first, which is you know, essentially what are the accessible sources of these data. And you've mentioned a number of acceptable sources. And this rule is designed to be rather flexible. We recognize that even in the US, we have a variety of ways and means of

collecting and reporting fisheries data. So we certainly can't expect everybody else to do things just one way.

And so, that is the purpose for our simply listing those data elements. We're offering model forms, but also acknowledging that various national and regional jurisdictions have their own way of documenting catch and providing that information. And we, generally speaking, see that as, you know, an acceptable means of complying with this rule.

To address the first part of your question, yes we did and we are very much aware of the fact that there are some very complex supply chains. That is actually one of the reasons why the task force sees this traceability program as being important, given the fact that some of these products change hands a lot, and opportunities for bringing illegal product into the supply chain exist at many of those stages.

And so we acknowledge the difficulty. We are committed to working with our trading partners to support their compliance. But I think that some of those complexities speak to the value of seafood traceability.

Thanks, Adriana.

Adriana Sanchez: Thanks.

Laurel Bryant: Operator, why don't we give one more prompt?

Coordinator: Thank you. Again for questions or comments, press Star 1 please. And thank you, at this time we're showing no questions.

Laurel Bryant:	Let's give it one more minute, Operator.
Coordinator:	Ok, and we're showing no questions in queue.
Laurel Bryant:	Ok, (Candy) thank you. And thank you everyone for joining us. Again, as Joh mentioned at the top of the call, all of the information and access to make comments through the federal registry notice are all posted and available to links on the web portal at www.iuufishing.noaa.gov. The comment period is going to be open until April 5. And for those of you who may be travelling to the Seafood Expo, I hope you will plan on attending the in-person public listening session that we'll be conducting on March 7 -- that's a Monday -- at 11:00am to 1:00pm in room 104A. And with that, thank you and we look forward to hearing your comments. Thanks again.
Coordinator:	Thank you for your participation. That does conclude today's conference. You may disconnect at this time.

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